
General Wright,

If you approve, I propose to
hold all copies of these two
communications in the Director's
file until a later date.

[Redacted]

[Redacted]

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STAT

MEMORANDUM ON THE PROVISIONS OF H.R. 3469, (A BILL TO PROMOTE THE NATIONAL SECURITY BY PROVIDING FOR THE COORDINATION OF ALL ELEMENTS OF NATIONAL SECURITY, AND FOR THE REORGANIZATION OF THE MILITARY STRUCTURE OF THE NATION TO CONFORM TO THE REQUIREMENTS OF MODERN WARFARE), DEALING WITH THE SUBJECT OF A CENTRAL INTELLIGENCE AGENCY.

1. Section 104(a): This Section establishes a Central Intelligence Agency but does not give it a specific place in the Governmental structure. H.R. 2319 specifically places the Central Intelligence Agency "under the National Security Council." This latter is preferable, as the Council is designated as the body to which the Agency is responsible. H.R. 3469, in not clarifying this point, eliminates any direction and control of the activities of the Central Intelligence Agency other than that given by the Director.

This Section also provides that the Director "shall be appointed from civilian life..." and makes no provision for the possibility of a Director to be appointed from officers on active duty with the armed services. It is felt that this Section should be amended to read substantially in the form of Section 202(a) and (b) of H.R. 2319, with the added provision that the Director may be chosen "from civilian or military life." If this Section of H.R. 3469 is retained, the salary of the Director should be placed at \$15,000 to conform with the salaries of other comparable positions provided in the bill.

2. Section 104(b): This Section abolishes the National Intelligence Authority without transfer of its functions to the National Defense Council created by the bill. The functions of the Authority should be vested in a Council which directs the activities of the Agency. The functions of the National Intelligence Authority are of considerable importance and should not be abolished.

This Section also fails to transfer the functions of the Central Intelligence Group to the Central Intelligence Agency. Only the personnel, property and records of the Group are transferred. As the functions of the Group have been set forth by the President's Executive Order of 22 January 1946, copy of which is attached herewith, they should be specifically transferred to the new Agency in a manner similar to Section 202(c)(2) of H.R. 2319.

3. Section 104(c): This Section should be eliminated. The transfer of the present functions of the Central Intelligence Group would be sufficient and would include the right to hire personnel as required. This Section further contemplates the performance of functions "hereinafter set forth." It is felt that these functions should not be specifically set forth in the bill dealing with the unification of the armed forces, but should be included at a later date in detailed enabling legislation for the Central Intelligence Agency.

4. Section 104(d): It is felt that this Section should be eliminated in its entirety. As stated above, the terms of the unification measure should merely establish the Central Intelligence Agency without going into its detailed functions. These functions are more properly the province of special enabling legislation, once the Central Intelligence Agency has been established by law. The basic National Security Act should be confined merely to the establishment of the Agency and the transfer to it of existing functions of the Central Intelligence Group.

In addition, Section 104(d)(h) provides that all directives which add to the functions of the Agency shall be published in the Federal Register within thirty days of issue. The inclusion of such a provision would be unworkable from the standpoint of security. The majority of directives dealing with the functions of the Agency would be of a highly classified nature. Their publication would materially lessen their effectiveness.

5. Section 104(e): This Section is unnecessary, as, with one change, it is included in the Presidential Order. If the provisions of this Order are incorporated by reference in the bill, there will be no necessity for this Section. If this Section is adopted, it should be amended to qualify the word "intelligence," in line 19, page 10, by the word "departmental." A sharp distinction should be made between "departmental intelligence" and "national intelligence." The latter, which transcends the exclusive competence of any one Department, is the province of the Central Intelligence Group, as opposed to departmental intelligence, which falls within the province of the various Departments and Agencies of the Government.

6. Section 104(f): There is no necessity to include this Section provided the President's Order is incorporated by reference. It would more properly be a part of detailed enabling legislation at a later date.

7. Section 104(g): There is some thought that this Section might properly be a part of the present bill, and if it is so desired, there would be no objection to including a Section substantially in the language of Paragraph 4 of the President's Order. It is not completely understood what the phrase "internal-defense powers or functions" would mean. It would be necessary to define this more clearly or eliminate the term completely.

8. Section 104(h): This Section would be more properly a part of detailed enabling legislation.

9. Section 402(a): The Central Intelligence Agency should be eliminated from this Section. Powers of the Director in connection with the appointment and fixing of compensation of personnel should be made the subject of specific legislation, due to the very highly specialized nature of certain types of personnel to be employed by this Agency. Similarly, specific legislation will be necessary to provide for certain exceptions to the Classification Act of 1939 as amended. For these reasons, therefore, it is urged that the Central Intelligence Agency be eliminated from this Section.

10. If it is felt necessary to include the functions of the Central Intelligence Agency in this legislation, other than by incorporation of the President's Directive by reference, it is thought that a provision should be included substantially in the language of Section 3(c) of the President's Directive, as follows:

"Perform, for the benefit of said intelligence agencies, such services of common concern as the National Security Council determines can be more efficiently accomplished centrally."

COPY

10 May 1947

My dear Mr. Cole:

Until I received your letter of May 2, I was under the impression that it was generally recognized, as I said in my earlier letter to you, that "every person in the naval service is at liberty to voice his professional and personal opinion on any subject when testifying before a Committee of Congress.

I believe that anyone reading the recent testimony of Admiral King, Admiral Halsey, Admiral Hart, General Vandegrift, and General Edson will reach the conclusion that officers of the Navy and the Marine Corps not only possess this liberty but also exercise it.

As regards private conversations, there has been no restraint laid upon officers of either the Navy or the Marine Corps and no denial of the right to express their personal views on this question. It is true that I issued an ALNAV under date of 18 January 1947 saying that support of the Bill S. 758 and H.R. 2319 would be the official position of the Navy Department and that I sincerely hoped the bills would command the support of all hands. By implication this might cause some to be reluctant to express their views in private conversations. But realistically, I doubt if this assumption is soundly based because in the cases of those persons who disagreed with the officially expressed policy of the Navy Department silence could be just as effective an instrument of disagreement as speech. In other words, I am aware that there is no way, nor should there be under our form of government, of denying the right of opinion to anyone be he civilian or service individual.

I have tried to dissuade naval personnel from soliciting the time of Members of the House and Senate to express their views on this subject because I regard it as inappropriate for members of the Services to seek out Members of Congress in order to present their individual opinions. There is a proper place for the presentation of such opinions and that is in the Committee hearings.

To sum up: There is no denial of free speech on this or any other subject to officers of the Naval Service or the Marine Corps. On the other hand, I shall continue to do my best to persuade these men that the proposed legislation constitutes a desirable and imperative improvement in planning ~~of~~ for our national security.

Sincerely,

/s/ James Forrestal

Honorable W. Sterling Cole
House of Representatives
Washington, D. C.

U S E C I

2 May 1947

The Honorable James Forrestal,
Secretary of the Navy,
Washington, D. C.

My dear Mr. Secretary:

This is in further reference to the question of Departmental control over the expressions of opinion by naval officers on the pending proposal to consolidate, unite or merger the armed services.

In your reply to me of April 16, 1947, you give assurance of your whole hearted concurrence with the thought that all persons in the military service should feel free to express their personal opinions on the important question of fundamental reorganization of our military establishment. Permit me to extend my genuine compliments to you for the very fair attitude which you have taken in this regard.

Now, the problem seems to be one of implementing your declaration in such fashion that officers who might be in disagreement with the merger proposal, will freely voice their thoughts without fear of reprisal. While it may be true that it is the "traditional policy of the Navy Department that every person in the naval service is at liberty to voice his professional and personal opinion on any subject when testifying before a committee of Congress", the navy regulations prohibit any officer from applying to Congress or any Committee or Member thereof for Congressional action of any kind and, further, they prohibit all remonstrances from any officer to Congress on any subject of legislation relating to the Navy or the Marine Corp except by authority of the Department. In view of these provisions of the Regulations and ALNAV #21 which states that the merger plan "is deserving of the loyal and wholehearted support of all within the Naval Service", no member of the naval service feels that he is allowed any latitude of expression. Certainly, the expressions made in your letter to me of April 16, laudable though they are in themselves, do not provide an official basis for unrestricted self-expression by navy people on the merger question.

Any legislation, so vital as this, concerning the military forces of the nation is so important that the Congress must have professional information freely given and not given under pressure. So far, in the consideration of the proposed legislation, only four professional naval officers have testified. These four have been very closely identified with the official policy of the Navy. It is very questionable to my mind whether the official policy of the Navy truly reflects the opinion of the majority of the professional and reserve officers. It is my belief that not less than 90% of these men are opposed to this legislation in its present form - and yet they dare not say so.

Continued - The Honorable James Forrestal:

I am definitely unwilling to cloak those of the services who favor the proposal with a mantle of patriotism, unselfishness and wisdom and at the same time require those who disapprove the proposal to stand naked in treason, selfishness and ignorance. Both groups must be credited with the same degree of sincerity of purpose and capacity of judgment. To be qualified to pass upon this vital matter, the Congress must have the truth and the truth cannot be had when only one side of the matter is allowed to be expressed.

It is my present purpose to make inquiry of various responsible and prominent officers of the services in an effort to learn their attitude on this question. In order that they may have the freedom of expression which they and the question they discuss deserve, I respectfully ask that the declaration contained in your letter of April 16 be embodied in an immediate ALNAV, or that the equivalent be expressed by you by letter to me which, upon publication, will free the men of the service to speak their minds. Both you and the Congress owe this much to them and the country.

The principles involved in this controversy are so profound and the issues at stake are so vital to the security of our country that no element of pride, position or ambition of any individual or group connected with it should be allowed to color either our judgment or our courage.

The Navy in years gone by has possessed a high ~~world~~ prestige in Congress. Its great achievements culminating in victory during the war just ended has elevated its prestige to the highest position it has ever had in the minds of the people and of Congress. I do not want to see this enviable reputation lost or marred. It is, therefore, in this ~~my~~ spirit that I am again writing to you with the hope that the same spirit will command your reply.

Very respectfully yours,

/s/ W. Sterling Cole

M.C.

WSC:K

16 April 1947

The Honorable W. Sterling Cole
House of Representatives
Washington, D. C.

Dear Sir:

Thank you for your letter of April 2, 1947.

I wish to assure you of my wholehearted concurrence with your thought that all persons in the military service should be free to express their personal opinions on the important questions of fundamental reorganization of our military establishment.

In promulgating the agreement between the War and Navy Departments which the President announced on 16 January, I advised the naval service that the reorganization plan was deserving of the support of all within the naval service. In a later letter I expressed the hope that study and consideration of the plan would lead all in the naval service to conclude that it deserved their support.

As you know, the traditional policy of the Navy Department is that every person in the naval service is at liberty to voice his professional and personal opinion on any subject when testifying before a committee of the Congress or when engaged in private conversation.

I assure you that it is not my intention to attempt to alter this policy. I know you will agree with me that the public office which I hold in no way empowers me to abridge the constitutional right of free speech which every American citizen enjoys.

I appreciate your interest in clarifying this matter.

Sincerely,

/s/ James Forrestal

Distribution

Copy - Director
" - Exec. Reg.
" - Mr. Pforzheimer
Orig. copy - Central Records

C O P Y

April 2, 1947

The Honorable James Forrestal,
Secretary of the Navy,
Washington, D. C.

My dear Mr. Secretary:

You will recall that on February 27th, in reply to an inquiry from me, you wired that no orders had been issued to the members of the Naval service to support the agreement made by yourself and the Secretary of War, relative to the pattern of merging the military forces of the nation.

In private conversation with Naval officers, I find that there is a general feeling of reluctance among them to speak critically of the proposed plan. This feeling is so genuine that they refuse to express themselves even in private conversation and certainly will not be critical in any testimony they might give to a Committee of the Congress on the question.

I am sure that you agree with me that any fundamental reorganization of our military establishment is of so grave importance that its implications should be explored and considered thoroughly from all angles before a change is made. To the extent that career officers of the military services withhold their views on the problem, especially those which may be critical of the proposed plan, to that same extent full and thorough consideration is denied.

Accordingly, if it is the fact that Naval officers are free to express their views on the question, I think it highly desirable for you to make suitable expression, either by way of public statement or reply to this letter for purposes of publication.

With kind regards, I am,

Sincerely yours,

/s/ W. Sterling Cole

WSC:T

M.C.

15 March 1948

NOTE FOR RECORD:

14 copies were picked up at Capitol by Mr. [redacted] and taken to Central Records 12 March. Called [redacted] and she said someone in OCD would pick them up. The other copy was retained by Senator Brewster for awhile longer.

C/R will make receipt.

JG

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